

# STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION  
302 W. WASHINGTON STREET, SUITE E-306  
INDIANAPOLIS, INDIANA 46204-2764

<http://www.state.in.us/iurc/>  
Office: (317) 232-2701  
Facsimile: (317) 232-6758

**FILED**

MAY 11 2005

INDIANA UTILITY  
REGULATORY COMMISSION  
CAUSE NO. 42752

IN THE MATTER OF THE PETITION OF THE )  
STUCKER FORK CONSERVANCY DISTRICT FOR: )  
1.) ADDITIONAL TERRITORIAL AUTHORITY TO )  
RENDER SERVICE OF WATER SUPPLY TO )  
ADDITIONAL USERS OUTSIDE OF ITS )  
BOUNDARIES IN AN AREA IN WASHINGTON )  
AND JENNINGS COUNTIES, INDIANA: AND )  
2.) APPROVAL OF A NEW SCHEDULE OF RATES )  
AND CHARGES FOR WATER SERVICE AND A )  
SCHEDULE FOR PHASING-IN SAID RATES AND )  
CHARGES )

You are hereby notified that on this date the Indiana Utility Regulatory Commission ("Commission") caused the following entry to be made:

On April 27, 2005, Intervenor Morgan Foods, Inc., ("Morgan Foods" or "Intervenor") filed a *Motion to Compel Discovery Responses and for an Extension of Time Pending the Ruling on the Motion to Compel*. Also on April 27, 2005, the Indiana Office of the Utility Consumer Counselor ("OUCC") filed *Public's Motion for Modification of Procedural Schedule and Motion to Compel Response's to Discovery* (jointly referred to as "Motions").

In each of their Motions the OUCC and Morgan Foods indicate that Stucker Fork Conservatory District ("Stucker Fork" or "Petitioner") has failed to respond to discovery requests served on the Petitioner, which has prevented the Intervenor and the OUCC from finalizing their case-in-chief testimony in this Cause. Accordingly, the OUCC and Morgan Foods each request that the Commission compel Stucker Fork to respond to all outstanding discovery requests; extend the prefilng deadlines previously established in this Cause; and, continue the Evidentiary Hearing currently scheduled for May 19, 2005, to allow the parties to complete discovery and prefile case-in-chief and rebuttal testimony in this Cause.

170 IAC 1-1.1-16 outlines the procedures for discovery in matters before the Commission and states, in relevant part, that:

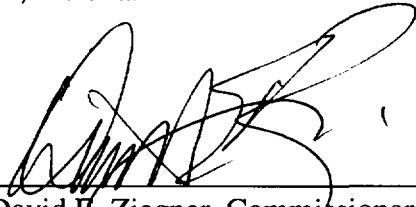
- (a) Parties shall be entitled to all the discovery provisions of Rules 26 through 37 of the Indiana Rules of Trial Procedure as from time to time amended by the Indiana supreme court or general assembly.
- (b) Any petitioner, applicant, complainant, respondent, or intervenor may request, in writing, discovery from any other party. Unless otherwise directed by the presiding officer, if the party against whom the discovery is directed does not satisfy such request within ten (10) days following receipt thereof or reach an agreement with the requesting party as to the

nature, scope, and time for the requested discovery, the party seeking discovery may make written application to the commission for an order compelling discovery, specifically setting forth and detailing the discovery sought and the reasons why it is thought to be relevant to the issues. The commission shall thereupon grant, grant in part, or deny the application and shall promptly advise the parties of its determination. Where such application is granted, in whole or in part, the party against whom discovery is sought shall allow discovery as specified in the commission's order. No continuance of a scheduled hearing shall be granted for inability to complete discovery unless the parties have complied with the foregoing provisions....

170 IAC 1-1.1-16

The Presiding Officers having reviewed the Motions, and being duly advised in the premises, hereby GRANT the Motions filed by Morgan Foods and the OUCC. The Petitioner shall provide all parties with complete responses to all currently outstanding discovery requests on or before May 20, 2005. Intervenor and the OUCC shall submit their prefiled case-in-chief testimony in this matter on or before June 10, 2005. Petitioner shall file its prefiled rebuttal testimony on or before June 24, 2005. The Evidentiary Hearing in this matter is hereby continued until August 4, 2005, at 9:30 a.m. EST in Room E306 of the Indiana Government Center South, Indianapolis, Indiana.

**IT IS SO ORDERED.**

  
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David E. Ziegner, Commissioner

  
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Scott R. Storms, Chief Administrative Law Judge

Date: May 11, 2005